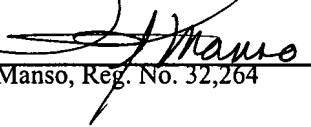


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PATENT Exh 2 Dec.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

I hereby certify that this paper or fee, including Attachments A-F, are being deposited with the United States Postal Service "Express Mail Post Office to addressee," Express Mail Label No. EE863295453US, under 37 C.F.R. §1.10 on February 26, 1999, and is addressed to the Honorable Assistant Commissioner of Patents and Trademarks, Washington, D.C. 20231.


Peter J. Manso, Reg. No. 32,264


February 26, 1999

Express Mail Date

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RECEIVED

In re Application of: David J. Bova
Serial No.: 08/368,378
Filing Date: January 14, 1995
Group Art Unit: 1931
Examiner: J. Venkat
Title:

*NICOTINIC ACID COMPOSITIONS FOR TREATING
HYPERLIPIDEMIA AND RELATED METHODS THEREFOR*

LAB 1900

Assistant Commissioner of Patents
Washington, D.C. 20231

February 26, 1999

Dear Sir:

RESPONSE AFTER FINAL

This is responsive to the Final Office Action mailed on August 26, 1998 in connection with the above-identified application for U.S. patent. Submitted herewith are copies of declarations previously filed in the above-identified application for U.S. patent under 37 C.F.R. §131 and §132, which have been executed by (1) Mr. Dave Bova, the named inventor, as Attachments A and B, and (2) Arthur Raines, Ph.D., as Attachment C. Also submitted herewith is a 37 C.F.R. §1.608(b) declaration executed by George M. Toth, as Attachment D. Also, a copy of the FDA approval letter received by Kos Pharmaceuticals, Inc., the assignee of the above-identified application for U.S. patent, for its sustained release nicotinic acid product which is covered by the above-identified application for U.S. patent is submitted herewith, as Attachment E. Finally, a copy of the Parent